

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CR. NO. 3:07-377 (CMC)
)	
v.)	OPINION and ORDER
)	
Mark Devin Partman,)	
)	
Defendant.)	
_____)	

Defendant has filed a motion pursuant to 28 U.S.C. § 2255, a motion to proceed *in forma pauperis* (*ifp*), and a motion to appoint counsel. The motion to proceed *ifp* (ECF No. 38) is granted.

Defendant has also moved for the appointment of counsel. ECF No. 37. Defendant does not have the right to appointment of counsel to aid in his pursuit of this collateral attack. Section 2255 provides that “in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel . . . [and] [a]ppointment of counsel under this section shall be governed by section 3006(A) of title 18.” 28 U.S.C. § 2255(g). Section 3006A(a)(2)(B) of Title 18 provides that “[w]henever . . . the court determines that the interests of justice so require, representation may be provided for any financially eligible person who-- . . . is seeking relief under section 2241, 2254, or 2255 of title 28.” 18 U.S.C. § 3006A(a)(2)(B). Defendant contends that he is financially unable to afford counsel, that his claims are factually complex, and that he has shown a “fair likelihood of success on his constitutional claim(s).” Mot. at 1. Defendant contends that he is “entitled” to the appointment of counsel in the interests of justice. *Id.* However, Defendant’s argument falls short of establishing that the ends of justice require that he be appointed counsel at this stage in the proceedings. Accordingly, Defendant’s motion for appointment of counsel is denied without prejudice.

The United States Attorney shall file an answer or other pleading to Defendant’s § 2255 motion within twenty (20) days of the filing of this order.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
August 12, 2014